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May 10, 2022

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MEMO ENDORSED

**VIA E-FILING**

The Honorable Andrew L. Carter, Jr.  
United States District Judge  
Thurgood Marshall United States Courthouse  
Southern District of New York  
40 Foley Square, Room 435  
New York, NY 10007

**Re: Status Report & Joint Request for Stay  
Building Service 32BJ Health Fund, et al. v. Shamrock of New England, Inc.  
Case No. 1:21-cv-3562 (S.D.N.Y.) (ALC) (BCM)**

Judge Carter:

This firm represents Defendant Shamrock of New England, Inc. ("Shamrock") in the above-referenced action.

Shamrock and Plaintiffs Building Service 32BJ Health Fund, Building Services 32BJ Legal Services Fund, and Building Services 32BJ Thomas Shortman Training, Safety and Scholarship Fund ("Plaintiffs") (collectively, Shamrock and Plaintiffs are the "Parties") jointly filed a letter-motion on February 16, 2022 requesting a stay of proceedings for thirty (30) days to allow for the Parties to engage in settlement discussions. Your honor granted that request and requested a status report no later than March 21, 2022 regarding the progress of negotiations. By letter dated March 18, 2022, the Parties provided a status report and requested additional time to continue negotiations. Then, by letter-motion dated April 11, 2022, the Parties requested an additional thirty (30) days to continue negotiations.

As of the date of this letter, the Parties remain engaged in settlement negotiations. To that end, Shamrock has provided the Funds' auditor with many of the documents they seek to conclude its audit. As stated in our prior letters to the Court, a key aspect of this dispute is the Funds' claim for the production of Company books and records for the Funds' audit of Shamrock, which spans many years dating back to 2013. As a show of good faith and to avoid future disputes over document production, Shamrock has produced the documents for the auditor's review while we continue to engage in settlement discussions. In addition, and as reported before, the Parties have exchanged a comprehensive written settlement agreement.

A Pennsylvania Limited Liability Partnership



The Honorable Andrew L. Carter, Jr.  
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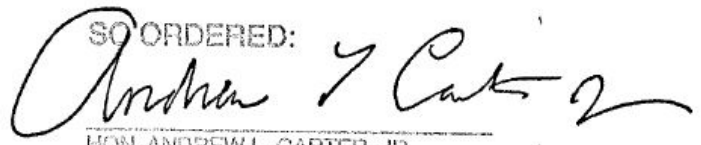
Accordingly, the Parties request an additional stay of sixty (60) days to finalize the settlement agreement. This is the Parties' fourth request for a stay.

Very truly yours,

*/s/ Andrew M. MacDonald*  
Andrew M. MacDonald<sup>1</sup>

cc: Hon. Andrew L. Carter, Jr. (ALCarterNYSDChambers@nysd.uscourts.gov)  
Ira A. Sturm (isturm@rsgllp.com)  
Andrew MacDonald (amacdonald@foxrothschild.com)

**Application GRANTED.** The parties shall file another joint status report no later than July 11, 2022.

SO ORDERED:  
  
\_\_\_\_\_  
HON. ANDREW L. CARTER, JR.  
UNITED STATES DISTRICT JUDGE

**Date:** May 12, 2022

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<sup>1</sup> This letter is being filed by my New York colleague, Neil A. Capobianco.